REMARKS

RE: ADVISORY ACTION

The Advisory Action provides a detailed explanation for the Examiner's position in rejecting claim 1. Applicant thanks the Examiner for the detailed explanation. Responses and arguments to the Advisory Action are addressed below in the Remarks section of the response.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1, 6, 7 and 11- 14

Claims 1, 6, 7, and 11-14 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent 6,577,644 issued to Chuah et al. (*Chuah*) in view of U.S. Patent Publication 2002/0116501 attributed to Ho et al. (*Ho*) and further in view of U.S. Patent No. 6,769,000 issued to Akhtar et al. (*Akhtar*). Applicant respectfully submits claims 1, 6, 7, and 11-14 are not obvious in view of *Chuah*, *Ho*, and *Akhtar* for at least the reasons set forth below.

Claim 1 recites, in part, the following:

> one or more control commands employed by a respective network element to establish and manage **simultaneous wireless communication sessions of a single wireless end-user terminal in a data network**;

Chuah discusses carrying frames over multiple links as part of a Multilink Point-to-Point Protocol (PPP) connection. See column 4, lines 5-30. *Chuah* discusses a QoS mechanism that is described as an enhancement to Multilink PPP. See Summary, column 1, lines 49-61. *Chuah* only ever discloses activating a single session involving a mobile

node. See column 3, line 3. Despite the fact that *Chuah* only ever explicitly discloses a single session involving a mobile node, the Advisory Action points to column 6, lines 9-20 of *Chuah*, which discusses "a QoS mechanism that allows packets from some given sessions to be sent to one physical link and packets from other sessions to be sent to another physical link." (emphasis added) However, the Advisory Action fails to recognize that *Chuah* only discusses Multilink PPP as a protocol used for **physical** links between **physical** endpoints. Multilink PPP is not a wireless protocol and the above-cited portion of *Chuah* does not discuss mobile nodes.

Fig. 4 of *Chuah* was cited in the Final Office action as disclosing simultaneous wireless communication sessions of a single end user terminal in a data network. Thus, the Final Office action is suggesting that either peer A or peer B is a wireless end-user terminal. However, given that Fig. 4 of *Chuah* illustrates Multilink PPP links, it necessarily follows from the disclosure in *Chuah* that Fig. 4 is a depiction of *physical* links between *physical* peers A and B. In other words, neither peer A nor peer B of Fig. 4 can be a wireless end-user terminal because peers A and B communicate via Multilink PPP, which, according to *Chuah*, requires that they are physically connected. Therefore, whether or not any of the links between peers A and B in Fig. 4 of *Chuah* involve multiple sessions, *Chuah* does not teach or disclose one or more control commands employed by a respective network element to establish and manage **simultaneous wireless communication sessions of a single wireless end-user terminal in a data network**, as recited in claim 1. Thus, *Chuah* fails to disclose at least one limitation of claims 1.

Ho was cited as using AVPs to encode control message types to exchange mobility information. Whether or not *Ho* teaches the limitations cited in the Office action, *Ho* does not teach or disclose one or more control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a single wireless end-user terminal. Thus, *Ho* fails to cure the deficiencies of *Chuah*.

Akhtar was cited as teaching an IPM-L2-Address AVP, an IPM-SMM-MN-Key AVP, and an Integrity-Check-Value AVP. Whether or not *Akhtar* actually teaches the limitations cited in the Office action, *Akhtar* does not teach or disclose one or more control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a single end-user terminal. Thus, *Akhtar* fails to cure the deficiencies of *Chuah* and *Ho*. Therefore, Applicant respectfully submits claim 1 is not obvious in view of *Chuah*, *Ho*, and *Akhtar*. Claims 6, 7 and 11-14 depend from claim 1 and distinguishes for at least the same reasons as set forth above.

Claim 2

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chuah* and *Ho* in view of *Akhtar* in view of U.S. Patent No. 6,917,600 issued to Chuah et al. (*Chuah 2*). Applicant respectfully submits that claim 2 is not obvious in view of *Chuah* and *Ho* and further in view of *Chuah 2* for at least the reasons set forth below.

Claim 2 depends from independent claim 1 and necessarily includes the limitations of claim 1. As discussed above, *Chuah*, *Ho* and *Akhtar* fail to teach or disclose one or more control commands employed by a respective network element to establish and manage **simultaneous wireless communication sessions of a single**

wireless end-user terminal in a data network. *Chuah 2* is cited as disclosing the steps of combining hand-off control messages with the tunnel configuration control messages that are concurrently transmitted between LACs. Whether or not *Chuah 2* actually teaches the limitations cited in the Office action, *Chuah 2* does not teach or disclose one or more control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a single end-user terminal in a data network. Thus, *Chuah 2* fails to cure the deficiencies of *Chuah*, *Ho* and *Akhtar*. Therefore, Applicant submits claim 2 is not obvious in view of *Chuah*, *Ho*, *Akhtar* and *Chuah 2*.

Claims 15-24

Claims 15-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chuah 2* in view of *Akhtar*. Claims 20-24 have been cancelled. Therefore, the rejection of these claims is moot. Applicant respectfully submits claims 15-19 are patentable over *Chuah 2* and *Akhtar* for at least the reasons set forth below.

Claim 15 recites, in part, the following:

> one or more control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a wireless subscriber unit in a data network

Chuah 2 was cited as disclosing one or more control commands employed by a respective network element to establish and manage a wireless communication session in a data network. Whether or not *Chuah* 2 actually discloses the limitations cited in the Office action, *Chuah* 2 does not teach or disclose Similar to the Applicant agrees with the Office action that *Chuah 2* does not teach or disclose one or more control commands employed

by a respective network element to establish and manage simultaneous wireless communication sessions of a wireless subscriber unit in a data network.

Akhtar was cited as disclosing an attribute-value pair (AVP) that carries both address and data. Whether or not *Akhtar* actually teaches the limitations cited in the Office action, *Akhtar* does not teach or disclose one or more control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a wireless subscriber unit in a data network. Thus *Akhtar* fails to cure the deficiencies of *Chuah 2*. Therefore, Applicant respectfully submits claim 15 is not obvious in view of *Chuah 2* and *Akhtar*.

Claims 16-19 depend from claim 15. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits that claims 16-19 are not obvious in view of *Chuah 2* and *Akhtar*.

Claims 8 and 9

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chuah*, *Ho*, and *Akhtar* in view of U.S. Patent No. 6,915,345 issued to Tummala et al. (*Tummala*). Applicant respectfully submits that claims 8-9 are not obvious in view of *Chuah*, *Ho* and *Tummala* for at least the reasons set forth below.

Claims 8 and 9 depend from independent claim 1 and necessarily include the limitations of claim 1. As discussed above, *Chuah*, *Ho* and *Akhtar* fail to teach or disclose one or more control commands employed by a respective network element to establish and manage **simultaneous wireless communication sessions of a single wireless end-user terminal in a data network**. *Tummala* is cited as disclosing that encryption can be made using a shared secret or public keys. Whether or not *Tummala*

actually teaches the limitations cited in the Office action, *Tummala* does not teach or disclose one or more control commands selectively employed to establish and manage one or more simultaneous wireless communication sessions of a single wireless end-user terminal in a data network. Thus, *Tummala* fails to cure the deficiencies of *Chuah*. Therefore, Applicant submits that claims 8-9 are not obvious in view of *Chuah*, *Ho*, *Akhtar* and *Tummala*.

NEW CLAIMS

Claims 25-28 have been added. Claim 25 recites a wireless end-user terminal comprising a wireless modem having a communications agent that employs one or more control commands to establish and manage one or more simultaneous wireless communication sessions. For at least the reasons discussed above, Applicant submits claims 25-28 are not obvious in view of the prior art.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1-2, 6-9, and 11-19 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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